

Chapter 173-515 WAC

INSTREAM RESOURCES PROTECTION PROGRAM—KITSAP WATER RESOURCE INVENTORY AREA (WRIA) 15

WAC

173-515-010	General provision.
173-515-020	Purpose.
173-515-030	Establishment of instream flows.
173-515-040	Surface water closures.
173-515-050	Groundwater.
173-515-060	Lakes.
173-515-070	Exemptions.
173-515-080	Future rights.
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WAC 173-515-010 General provision. These rules apply to waters within the Kitsap water resource inventory area (WRIA) 15 as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (minimum water flows and levels), and in accordance with chapter 173-500 WAC (water resources management program).

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-010, filed 7/24/81.]

WAC 173-515-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Kitsap water resource inventory area (WRIA) 15 with instream flows and levels necessary to provide for preservation and protection of wildlife, fish, scenic, aesthetic and other environmental values, recreational and navigational values, and to preserve water quality.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-020, filed 7/24/81.]

WAC 173-515-030 Establishment of instream flows. (1) The following instream flows are established for each stream listed, from the point of influence of mean high tide at low flow to the stream's headwaters including tributaries except where indicated otherwise. Monitoring will take place at the control locations indicated.

INSTREAM FLOWS IN THE KITSAP WATER RESOURCE INVENTORY AREA (WRIA) 15

*WAC 173-515-040(2) closes certain streams to additional consumptive appropriations during specific time periods. These closures are indicated by asterisks in the following table. Such closures supersede the indicated instream flow. The Union River closure extends upstream to McKenna Falls (RM 6.7).

**Stream numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

Stream Number**		#7	#44	#60
Stream Name		Union River	Tahuya River	Rendsland Cr.
Gage Number		12-0635.00	12-0680.00	
River Mile		2	2.5	near mouth
Sec., Twp., Rge.		20,23N.,1W.	12,22N.,3W.	19,22N.,3W.
Month	Day	cfs	cfs	cfs
Jan.	1	65*	90	18
	15	65*	90	18
Feb.	1	65*	90	18
	15	65*	90	18
Mar.	1	59*	90	18
	15	53*	90	18
Apr.	1	48*	72	18
	15	44*	58	16
May	1	40*	47	13.5
	15	36*	38	12

Kitsap Area—WRIA 15

Stream Number**	#7	#44	#60	
Stream Name	Union River	Tahuya River	Rendsland Cr.	
Gage Number	12-0635.00	12-0680.00		
River Mile	2	2.5	near mouth	
Sec., Twp., Rge.	20,23N.,1W.	12,22N.,3W.	19,22N.,3W.	
Month	Day	cfs	cfs	cfs
June	1	33*	31	10*
	15	29*	25*	9*
July	1	27*	18*	8*
	15	24*	12*	7*
Aug.	1	22*	8.5*	6*
	15	20*	5.5*	5*
Sept.	1	20*	5.5*	5*
	15	20*	5.5*	5*
Oct.	1	20*	7*	5*
	15	20*	13*	7*
Nov.	1	27*	25	9.5
	15	35*	48	13
Dec.	1	47*	90	18
	15	65*	90	18

Stream Number**		#70	#96	#113
Stream Name		Dewatto River	Anderson Cr.	Stavis Cr.
Gage Number		12-0685.00		12-0695.00
River Mile		1.5	0.1	0.75
Sec., Twp., Rge.		23,23N.,3W.	17,24N.,2W.	25,25N.,2W.
Month	Day	cfs	cfs	cfs
Jan.	1	75	10.5	15
	15	75	10.5	15
Feb.	1	75	10.5	15
	15	75	10.5	15
Mar.	1	75	10.5	15
	15	75	10.5	15
Apr.	1	60	10.5	14
	15	49	10	13
May	1	39	9	12
	15	32	8.5	11
June	1	25	8	10
	15	22*	7.5	9.5
July	1	20*	7	9
	15	17.5*	6.5	8
Aug.	1	15.5*	6	7.5
	15	13.5*	6	7
Sept.	1	13.5*	6	7
	15	13.5*	6	7
Oct.	1	13.5*	6.5	7
	15	17*	7	8.5
Nov.	1	21	8	10.5
	15	39	8.5	12.5
Dec.	1	75	9.5	15
	15	75	10.5	15

Stream Number**	#121	#124	#192	
Stream Name	Big Beef Cr.	Anderson Cr.	Grover's Cr.	
Gage Number	12-0695.50			
River Mile	0.25	near mouth	near mouth	
Sec., Twp., Rge.	22,25N.,1W.	13,25N.,1W.	4,26N.,2E.	
Month	Day	cfs	cfs	cfs
Jan.	1	40	8	5.5
	15	40	8	5.5
Feb.	1	40	8	5.5
	15	40	8	5.5
Mar.	1	40	8	5.5
	15	40	8	5.5
Apr.	1	31	8	5.5
	15	24	6	4.5
May	1	18	4.5	4
	15	14*	3.5	3.5
June	1	11*	3*	3*
	15	8.5*	2*	2.5*
July	1	6.5*	1.5*	2.5*

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Stream Number**		#121	#124	#192
Stream Name		Big Beef Cr.	Anderson Cr.	Grover's Cr.
Gage Number		12-0695.50		
River Mile		0.25	near mouth	near mouth
Sec., Twp., Rge.		22,25N.,1W.	13,25N.,1W.	4,26N.,2E.
Month	Day	cfs	cfs	cfs
	15	5*	1.5*	2*
Aug.	1	4*	1*	2*
	15	4*	1*	2*
Sept.	1	4*	1*	2*
	15	4.5*	1*	2.5*
Oct.	1	5.5*	1.5*	3*
	15	6*	1.5*	3.5*
Nov.	1	7*	2.5*	4
	15	12	4.5	4.5
Dec.	1	22	8	5.5
	15	40	8	5.5

Stream Number**	#223	#248	#259	
Stream Name	Steel Creek	Strawberry/ Kochs/Cooks	Dickerson Cr.	
Gage Number				
River Mile	near mouth	near mouth	Confluence with Chico Cr.	
Sec., Twp., Rge.	14,25N.,1E.	20,25N.,1E.	8,24N.,1E.	
Month	Day	cfs	cfs	cfs
Jan.	1	6	7	3*
	15	6	7	3*
Feb.	1	6	7	3*
	15	6	7	3*
Mar.	1	6	7	3*
	15	6	7	3*
Apr.	1	6	7	2.5*
	15	5	5.5	2.5*
May	1	4.5	4.5	2*
	15	4	3.5	2*
June	1	3.5*	2.5*	1.5*
	15	3*	2*	1.5*
July	1	3*	1.5*	1.5*
	15	2.5*	1.5*	1.5*
Aug.	1	2.5*	1*	1*
	15	2.5*	1*	1*
Sept.	1	2.5*	1*	1*
	15	3*	1*	1*
Oct.	1	3.5*	1*	1*
	15	4*	1.5*	1.5*
Nov.	1	4.5	2.5	1.5*
	15	5	4	1.5*
Dec.	1	6	7	3*
	15	6	7	3*

Stream Number**		#259	#268	#294
Stream Name		Chico Cr.	Gorst Cr.	Curley Cr.
Gage Number				
River Mile		near mouth	0.1	0.1
Sec., Twp., Rge.		5,24N.,1E.	32,24N.,1E.	4,23N.,2E.
Month	Day	cfs	cfs	cfs
Jan.	1	15*	25	40
	15	15*	25	40
Feb.	1	15*	25	40
	15	15*	25	40
Mar.	1	15*	25	40
	15	15*	21	40
Apr.	1	15*	18	31
	15	13.5*	15	25
May	1	12*	13	20
	15	11*	11	16
June	1	10*	10.5	12.5
	15	9*	10	10*
July	1	8.5*	9	8*
	15	8*	8.5	6.5*

Kitsap Area—WRIA 15

Stream Number**		#259	#268	#294
Stream Name		Chico Cr.	Gorst Cr.	Curley Cr.
Gage Number				
River Mile		near mouth	0.1	0.1
Sec., Twp., Rge.		5,24N.,1E.	32,24N.,1E.	4,23N.,2E.
Month	Day	cfs	cfs	cfs
Aug.	1	7.5*	8	5*
	15	7*	7.5	5*
Sept.	1	7*	7.5	5*
	15	7*	7.5	5*
Oct.	1	7*	8	5*
	15	8*	8.5	8*
Nov.	1	9*	9	14
	15	11.5*	15	23
Dec.	1	15*	25	40
	15	15*	25	40

Stream Number**		#313	#321	#354
Stream Name		Ollala Cr.	Crescent Cr.	Purdy Cr.
Gage Number				12-0728.00
River Mile		near mouth	near mouth	0.1
Sec., Twp., Rge.		4,22N.,2E	32,22N.,2E.	24,22N.,1E.
Month	Day	cfs	cfs	cfs
Jan.	1	13	9	7
	15	13	9	7
Feb.	1	13	9	7
	15	13	9	7
Mar.	1	13	9	7
	15	13	9	6
Apr.	1	13	9	5.5
	15	11	7.5	5
May	1	9.5	7	4.5
	15	8.5	6	4
June	1	7.5*	5*	3.5*
	15	6.5*	4.5*	3*
July	1	5.5*	4*	3*
	15	5*	3.5*	2.5*
Aug.	1	5*	3.5*	2.5*
	15	5*	3.5*	2.5*
Sept.	1	5*	3.5*	2.5*
	15	6*	4*	3*
Oct.	1	7*	5*	3*
	15	8*	5.5*	3.5*
Nov.	1	9	6.5	4.5
	15	11	7.5	5.5
Dec.	1	13	9	7
	15	13	9	7

Stream Number**		#369	#415	#425
Stream Name		Lackey Cr.	Rocky Cr.	Coulter Cr.a/
Gage Number				
River Mile		near mouth	0.1	0.1
Sec., Twp., Rge.		31,21N.,1E.	27,22N.,1W	9,22N.,1W.
Month	Day	cfs	cfs	cfs
Jan.	1	5	18	18
	15	5	18	18
Feb.	1	5	18	18
	15	5	18	18
Mar.	1	5	18	18
	15	4.5	18	18
Apr.	1	4	14.5	18
	15	3.5	11.5	17
May	1	3	9	16.5
	15	2.5	7.5	15.5
June	1	2.5*	6*	15
	15	2*	5.5*	14.5
July	1	2*	5*	13.5
	15	2*	4.5*	13
Aug.	1	1.5*	4.5*	13
	15	1.5*	4*	13
Sept.	1	1.5*	4*	13

Stream Number**	#369	#415	#425
Stream Name	Lackey Cr.	Rocky Cr.	Coulter Cr.a/
Gage Number			
River Mile	near mouth	0.1	0.1
Sec., Twp., Rge.	31,21N.,1E.	27,22N.,1W	9,22N.,1W.
Month	Day	cfs	cfs
	15	1.5*	13
Oct.	1	2*	4*
	15	2*	5*
Nov.	1	2*	6
	15	2.5*	7
Dec.	1	3	18
	15	4	18

a/Relating to the waters of Coulter Creek, the department is cognizant of a settlement agreement resulting from Cause No. 14262, in the superior court of the state of Washington for Mason County, *"Peter E. Overton, et al., v. Washington Department of Fisheries, et al."*

Although the department of ecology was not a party in this litigation, the department will, to the extent possible, give full consideration to the intent of the settlement agreement in any future water right actions involving said parties: *Provided*, That, said actions must be consistent with the requirements of chapters 90.03 and 90.44 RCW, and satisfy the general intent of chapter 173-515 WAC.

(2) Instream flow hydrographs, as represented in the document entitled "instream resources protection program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-515-030(1).

(3) All consumptive water rights hereafter established shall be expressly subject to instream flows and closures established in WAC 173-515-030(1) and 173-515-040 (1) through (3). Closures override the instream flows where both are shown except as provided in WAC 173-515-070.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-030, filed 7/24/81.]

WAC 173-515-040 Surface water closures. (1) The department, having determined there are no waters available for further appropriation, closes the following streams to further consumptive appropriation. These closures confirm surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

Surface Water Closures

**Stream numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

Stream Number** Stream or Lake Name Sec., Twp., Rge. at Mouth	Tributary to	Date of Original Closure
Stansberry Lake and tributaries Sec. 19, T.22N., R.1E.	Carr Inlet	5-17-66
Mission Lake and tributaries Outlet: NE1/4NW1/4 Sec. 32, T.24N.,R.1W.	Mission Creek	7-19-78
#12 Mission Creek and tributaries NW1/4NE1/4 Sec. 1, T.22N., R.2W.	Hood Canal	12-5-51
#57 Unnamed Stream and tributaries Sec. 20, T.21N., R.4W.	Hood Canal	11-3-48
#117 Seabeck Creek and tributaries SE1/4SW1/4 Sec. 20, T.25N., R.1W.	Seabeck Bay	8-27-54
#158 Unnamed Stream (Gamble Creek, Christianson Creek) and tributaries SW1/4SW1/4 Sec. 20, T.27N., R.2E.	Port Gamble	8-15-75
#207 Unnamed Stream (Dogfish Creek, Harding Creek) and tributaries NE1/4NE1/4 Sec. 15, T.26N., R.1E.	Liberty Bay	8-21-75

Stream Number** Stream or Lake Name Sec., Twp., Rge. at Mouth	Tributary to	Date of Original Closure
#245 Barker Creek and tributaries SW1/4SW1/4 Sec. 22, T.25N., R.1E.	Dyes Inlet	2-21-61
#246 Clear Creek and tributaries SE1/4SW1/4 Sec. 16, T.25N., R.1E.	Dyes Inlet	7-27-53
#259 Chico Creek and tributaries above confluence of Dickerson Creek, (excluding Wildcat Lake). Sec. 5, T.24N., R.1E.	Chico Bay	11-3-52
#259 Kitsap Creek and tributaries Sec. 5, T.24N., R.1E.	Chico Creek	7-2-42
#259 Unnamed Stream and tributaries SE1/4SW1/4 Sec. 17, T.24N., R.1E.	Kitsap Lake	12-8-52
#279 Blackjack Creek and tributaries NE1/4SE1/4 Sec. 25, T.24N., R.1E.	Sinclair Inlet	4-5-60
#285 Unnamed Stream (Sullivan Creek) and tributaries NE1/4SW1/4 Sec.19, T.24N., R.2E	Sinclair Inlet	5-9-75
#294 Salmonberry Creek and tributaries NW1/4SE1/4 Sec. 18, T.23N., R.2E.	Long Lake	1-7-48
#356 Burley Creek and tributaries, SW1/4NW1/4 Sec. 12, T.22N., R.1E.	Burley Lagoon	5-10-51
#367 Minter Creek and tributaries SW1/4NE1/4 Sec. 29, T.22N., R.1E.	Henderson Bay	12-28-73
#402 Unnamed Stream (Dutcher Creek) and tributaries NE1/4NE1/4 Sec. 15, T.21N., R.1W.	Dutcher Cove	3-10-54
#510 Judd Creek and tributaries NE1/4NE1/4 Sec. 18, T.22N., R.3E.	Quartermaster Harbor	5-10-51

(2) The department has determined that (a) certain streams exhibit low summer flows and have a potential for drying up or inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that no water is available for additional appropriation. Based upon these determinations and in accordance with the general intent of RCW 75.20.050, the following streams are closed to further appropriation for the periods indicated:

New Surface Water Closures

**Stream numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

Stream Number**		
Stream Name		
Sec., Twp., Rge. at Mouth	Tributary to	Period of Closure
#7		
Union River and tributaries from the mouth to McKenna Falls (R.M. 6.7) SE1/4SW1/4 Sec. 29, T.23N., R.1W.	Hood Canal	All year
#44		
Tahuya River and tributaries SE1/4SE1/4 Sec. 22, T.22N., R.3W.	Hood Canal	June 15-Oct. 15
#60		
Rendsland Creek and tributaries NW1/4NW1/4 Sec. 19, T.22N., R.3W.	Hood Canal	June 1-Oct. 31
#70		
Dewatto River and tributaries NW1/4SE1/4 Sec. 27, T.22N., R.3W.	Hood Canal	June 15-Oct. 31
#121		
Big Beef Creek and tributaries SW1/4SE1/4 Sec. 15, T.25N., R.1W.	Hood Canal	May 15-Oct. 31
#124		
Anderson Creek and tributaries NW1/4NW1/4 Sec. 13, T.26N., R.1W.	Hood Canal	June 1-Oct. 31
#192		
Grover's Creek and tributaries NW1/4SW1/4 Sec. 4, T.26N., R.2E.	Puget Sound	June 1-Oct. 15
#223		
Unnamed Stream (Steel Creek) and tributaries SE1/4SE1/4 Sec. 14, T.25N., R.1E.	Port Orchard	June 1-Oct. 15
#248		
Unnamed Stream and tributaries (Strawberry/Cook's/Koch's Creek) SE1/4NE1/4 Sec. 20, T.25N., R.1E.	Dyes Inlet	June 1-Oct. 31
#259		
Dickerson Creek and tributaries SW1/4NW1/4 Sec. 7, T.24N., R.1E.	Chico Creek	All year
#259		
Chico Creek and tributaries below con- fluence of Dickerson Creek SW1/4SW1/4 Sec. 5, T.25N., R.1E.	Chico Bay	All year
#294		
Curley Creek and tributaries NE1/4NE1/4 Sec. 18, T.23N., R.2E.	Yukon Harbor	June 15-Oct. 15
#313		
Olalla Creek and tributaries SE1/4NE1/4 Sec. 4, T.22N., R.2E.	Colvos Passage	June 1-Oct. 15
#321		
Crescent Creek and tributaries SE1/4SW1/4 Sec. 32, T. 22N., R.2E.	Gig Harbor	June 1-Oct. 15
#354		
Purdy Creek and tributaries NE1/4NW1/4 Sec. 12, T.22N., R.1E.	Henderson Bay	June 1-Oct. 31
#369		
Lackey Creek and tributaries SE1/4SW1/4 Sec. 31, T.21N., R.1E.	Carr Inlet	June 1-Nov. 15
#415		
Rocky Creek and tributaries SE1/4SE1/4 Sec. 27, T.22N., R.1E.	Case Inlet	June 1-Oct. 31

(3) In the Kitsap basin numerous small streams with estimated mean annual flow of 5 cfs or less have been identified as having high instream values for anadromous fish, aesthetics, water quality, and/or recreation. In accordance with the general intent of RCW 75.20.050 the department has determined that the total natural flow of these streams is required for protection and preservation of instream resources, and that no water is available for additional consumptive appropriation. The natural flow, in effect, constitutes the minimum flow for protection of the instream resources. The following streams possess such characteristics and are therefore closed year-round to further consumptive appropriation.

New Surface Water Closures

**Stream numbers correlate with Plate I, instream resources protection program, Kitsap water resource inventory area (WRIA) 15.

Stream Number** Stream Name Sec., Twp., Rge. at Mouth	Tributary to
#13 Little Mission Creek and tributaries SE1/4NW1/4 Sec. 1, T.22N., R.2W.	Hood Canal
#18 Stimson Creek and tributaries NW1/4NW1/4 Sec. 11, T.22N., R.2W.	Hood Canal
#31 Unnamed Stream (Little Shoefly Creek) and tributaries SW1/4NW1/4 Sec. 17, T.22N., R.2W.	Hood Canal
#34 Shoefly Creek and tributaries SE1/4SW1/4 Sec. 18, T.22N., R.2W.	Hood Canal
#46 Caldervin Creek and tributaries NE1/4NE1/4 Sec. 28, T.21N., R.3W.	Hood Canal
#50 Hall Creek and tributaries Sec. 20, T.21N., R.3W.	Hood Canal
#52 Hoddy Creek and tributaries Sec. 20, T.21N., R.3W.	Hood Canal
#54 Fay Creek and tributaries Sec. 21, T.20N., R.3W.	Hood Canal
#55 Brown Creek and tributaries Sec. 21, T.20N., R.3W.	Hood Canal
#56 Unnamed Stream (West Creek) and tributaries Sec. 20, T.22N., R.3W.	Hood Canal
#101 Harding Creek and tributaries NW1/4SW1/4 Sec. 9, T.24N., R.2W.	Hood Canal
#164 Unnamed Stream (Little Boston Creek) and tributaries SW1/4SW1/4 Sec. 5, T.27N., R.2E.	Port Gamble
#181 Unnamed Stream and tributaries SE1/4SW1/4 Sec. 26, T.27N., R.2E.	Apple Tree Cove

Stream Number** Stream Name Sec., Twp., Rge. at Mouth	Tributary to
#184 Unnamed Stream and tributaries NE1/4SW1/4 Sec. 36, T.27N., R.2E.	Apple Tree Cove
#190 Unnamed Stream and tributaries Sec. 9, T.26N., R.2E.	Puget Sound
#196 Cowling Creek and tributaries NW1/4NW1/4 Sec. 16, T.26N., R.2E.	Miller Bay
#198 Thompson Creek and tributaries SW1/4SE1/4 Sec. 29, T.26N., R.2E.	Port Orchard
#208 Johnson Creek and tributaries SE1/4NW1/4 Sec. 22, T.26N., R.1E.	Liberty Bay
#213 Scandia Creek and tributaries SW1/4NE1/4 Sec. 27, T.26N., R.1E.	Liberty Bay
#241 Mosher Creek and tributaries SW1/4NE1/4 Sec. 34, T.25N., R.1E.	Dyes Inlet
#272 Anderson Creek and tributaries SE1/4NE1/4 Sec. 33, T.24N., R.1E.	Sinclair Inlet
#275 Ross Creek and tributaries SE1/4SE1/4 Sec. 27, T.24N., R.1E.	Sinclair Inlet
#289 Beaver Creek and tributaries NW1/4SE1/4 Sec. 16, T.24N., R.2E.	Rich Passage
#322 North Creek and tributaries NE1/4SE1/4 Sec. 6, T.21N., R.2E.	Gig Harbor
#342 Unnamed Stream and tributaries NW1/4SE1/4 Sec. 10, T.21N., R.1E.	Henderson Bay
#343 Unnamed Stream (Meyer Creek) and tributaries SW1/4SW1/4 Sec. 2, T.21N., R.1E.	Hood Canal
#407 Unnamed Stream and tributaries SE1/4NW1/4 Sec. 2, T.21N., R.1W.	Vaughn Bay
#434 Unnamed stream and tributaries SE1/4SE1/4 Sec. 15, T.25N., R.2E.	Murden Cove
#461 Unnamed Stream and tributaries SE1/4NE1/4 Sec. 20, T.25N., R.2E.	Fletcher Bay
#514 Unnamed Stream (Fisher Creek) and tributaries SW1/4NW1/4 Sec. 19, T.22N., R.3E.	Quartermaster Harbor
#530 Jod Creek and tributaries NW1/4NW1/4 Sec. 14, T.22N., R.2E.	Colvos Passage

Stream Number**	
Stream Name	
Sec., Twp., Rge. at Mouth	Tributary to
#540	
Needle Creek and tributaries	Colvos Passage
NE1/4SE1/4 Sec. 13, T.23N., R.3E.	

(4) Closures listed in WAC 173-515-040 (2) and (3) will supersede low flow surface water source limitations previously imposed by administrative authority pursuant to chapter 75.20 RCW.

(5) Lakes perennially tributary to closed streams are closed to further consumptive appropriation.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-040, filed 7/24/81.]

WAC 173-515-050 Groundwater. Future groundwater withdrawal proposals will not be affected by this chapter unless it is determined that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-050, filed 7/24/81.]

WAC 173-515-060 Lakes. In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-060, filed 7/24/81.]

WAC 173-515-070 Exemptions. (1) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) If, upon detailed analysis, appropriate and environmentally sound proposed storage facilities are found to be compatible with this chapter, such facilities may be approved but will be subject to the establishment of appropriate protection flows for drought or low runoff periods.

(3) Domestic use for a single residence shall be exempt from the provisions of this chapter. If the cumulative effects of numerous single domestic diversions would seriously affect the quantity of water available for instream uses, then domestic in-house use shall be exempt if no alternative source is available.

(4) Stockwatering use, except that related to feedlots, shall be exempt from the provisions established in this chapter.

(5) Future rights for nonconsumptive uses may be granted.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-070, filed 7/24/81.]

WAC 173-515-080 Future rights. No right to divert or store public surface waters of the Kitsap water resource inventory area (WRIA) 15 shall hereafter be granted which shall conflict with the purpose of this chapter.

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-080, filed 7/24/81.]

WAC 173-515-090 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-515-090, filed 6/9/88.
Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-090, filed 7/24/81.]

WAC 173-515-095 Appeals. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-515-095, filed 6/9/88.]

WAC 173-515-100 Regulation review. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

[Statutory Authority: Chapters 43.21B, 43.27A, 90.22 and 90.54 RCW. 88-13-037 (Order 88-11), § 173-515-100, filed 6/9/88.
Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-100, filed 7/24/81.]